

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

KAREN THIXTON,

Defendant.

8:03CR482

ORDER

Defendant Karen Thixton (Thixton) appeared before the court on August 28, 2007, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 120). Thixton was represented by appointed counsel, Assistant Federal Public Defender Julie B. Hansen, and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Through her counsel, Thixton waived her right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause, and Thixton should be held to answer for a final dispositional hearing before Judge Laurie Smith Camp.

The government moved for detention. Thixton requested a detention hearing. Thixton's counsel made a proffer that Thixton claimed she did not pass the checks even though she pled guilty to the charges as she felt responsible for the checks passed by another person. Thixton also requested to remain on release pending the dispositional hearing and would appear when requested. Since it is Thixton's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a flight risk nor a danger to the community, the court finds Thixton's proffer to be inadequate to carry her burden and Thixton should be detained pending the dispositional hearing.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Laurie Smith Camp in Courtroom No. 2 , Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:45 p.m. on September 4, 2007**. Defendant must be present in person.

2. Defendant Karen Thixton is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge